Application Number	Application/Co		Applicant(s)/Patent ( Reexamination TAKABATAKE, YO				
Document Code - DISQ	•	Internal Do	ocument – DC	cument – DO NOT MAIL			
TERMINAL DISCLAIMER	⊠ APPROVED		☐ DISAPP	☐ DISAPPROVED			
Date Filed : October 1, 2007	This patent is subject to a Terminal Disclaimer						
Approved/Disapproved by:							
Henry D. Jefferson							

U.S. Patent and Trademark Office

## **T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

Date:			16-Oct-07	APPL. S. N:	10773324					
To Exam	iner:		JAGANNATHAN, MELAI	Art Unit	2616					
From			Ward, Karen PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68					
SUBJEC	<b>r:</b> Decisio	n on Termina	l Disclaimer(T.D.) filed:							
form para or have a	agraphs ion	dentified by th ions, please s	nis informal memo in your next C ee me or the Special Program Ex	sults as set forth below. If you ag Office action to notify applicant of aminer. THIS IS AN INFORMAL, I RECORD IN THE APPLICATION FII	the T.D. If you disagree					
please initial, date and return this memo to me. THANK YOU.										
V	The T.D.	D. is PROPER and has been recorded (see 14.23).								
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):									
		The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account								
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).								
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).								
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).								
		The person who signed the T.D.:								
		is n	ot an attorney "of record" (see 1	4.29 and 14.29.01).						
		has failed to state his/her capacity to sign for the business entity (see 14.28).								
		is n	ot recognized as an officer of the	e assignee (see 14.29 & possible 1	4.29.02).					
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).								
		The T.D. is no	ot signed (see 14.26 & 14.26.03	).						
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).								
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).								
		The period di	sclaimed is incorrect or not spec	ified (see 14.26, 14.27.02 or 14.2	(6.03).					
		Other:			<u>a</u>					
			o request refund (see 14.36). NC neck this item.	OTE: If already authorized, credit	refund to deposit account					
I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.										
Ex.Initial	s:	Dat	e:		Log Date:					

Docket No. 247898US2RD CONT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Yoshiaki TAKABATAKE

SERIAL NO: 10/773,324

GAU:

2616

FILED:

February 9, 2004

EXAMINER: JAGANNATHAN, M.

FOR:

COMMUNICATION NODE FOR ENABLING INTERWORKING OF NETWORK USING

REQUEST/RESPONSE BASED DATA TRANSFER AND NETWORK USING NON-REQUEST/RESPONSE

BASED DATA TRANSFER

## TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

KABUSHIKI KAISHA TOSHIBA is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 014965, frame(s) 0954.

KABUSHIKI KAISHA TOSHIBA hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent Nos. 6,728,244 and 6,944,145, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Nos. 6,728,244 and 6,944,145, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

KABUSHIKI KAISHA TOSHIBA does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of Patent 6,728,244 and 6,944,145 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,

MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters Registration No. 28,870

Customer Number

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